

REMARKS

Claims 1-28 are pending in this application. Claims 1-7, 12, 14, 19-28 have been rejected. By this paper, the Applicant amends claim 12 for clarification. No new matter has been added.

At paragraph 3 of the Office Action, the Examiner rejects claims 1-5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,003,762 (Krueger). The Applicant traverses this rejection.

Krueger describes a compiler that takes source code in a higher order language such as C, FORTRAN, Pascal and generates machine code from the source code. In the context of Krueger, the exceptions described relate to run-time exceptions, i.e., exceptions that occur at the code-level. This is clear, for example, from the first sentence of the abstract of Krueger, and the first two paragraphs of the Detailed Description at column 1, lines 52-67.

Reference in Krueger to "context", such as in the background section relates to the local variables held in program data structures by an executing program.

In contrast, the invention of claim 1 relates to handling of exceptions during the translation of subject program code into target code. Translation is not equivalent to compilation. In contrast to compilation, wherein source code of a higher order language is compiled into machine code, the translator described in the present application functions to convert subject code (machine code compiled for one instruction set architecture) into machine code suitable for execution on a processor using another instruction set architecture, or to convert subject code (machine code) into translated code each of the same instruction set architecture for code acceleration purposes.

Krueger does not disclose the selection of a level of subject context precision from a plurality of possible levels. The context in question in the present application relates to the state of the subject machine at the hardware/operating system level. This is described for example at paragraph [0039] of the application as published (U.S. Publication Number US2005-0005265).

Using the correct interpretation of subject context precision, it becomes clear to the person of ordinary skill in the art that the concept of a plurality of possible levels of precision as claimed is not taught by Krueger. The use of different exception handling strategies in Krueger does not equate to the selection of a plurality of possible levels of precision required for the subject context.

For at least the reasons set forth above, Krueger does not teach all of the limitations of claim 1, so that claims should be allowable. Since claims 2-11 depend from allowable claim 1, those claims should also be allowable.

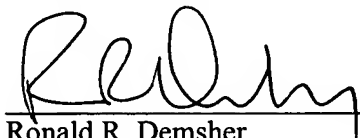
At paragraph 10 of the Office Action, the Examiner rejects claims 12, 19-25 and 28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. US2001-0013118A1 (Krishnaswamy). However, at paragraph 28 the Examiner indicates that claim 13 would be allowable if rewritten in independent form to include all of the limitations of the base claim (i.e., claim 12). Therefore the applicant amends claim 12 to include all of the limitations of claim 13, so claim 12 as amended should be allowable. Claim 13 has been canceled. Claims 14-28 depend from allowable base claim 12, so those claims should also be allowable.

Filed herewith is a Request for a One-Month Extension of Time, which extends the statutory period for response to expire on August 2, 2007. Accordingly, Applicant respectfully submits that this response is being timely filed.

In view of the above amendment, applicant believes the pending application is in condition for allowance. No other fees are believed to be due in connection with the filing of this response, however the Commissioner is authorized to debit Deposit Account No. 08-0219 for any required fee necessary to maintain the pendency of this application.

Respectfully submitted,

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